

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76279

Arnold E. Pizzini, Jr.
Kimberly Pizzini

3214 McShane Way

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 25, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 13-7-201(2)(a), failure to remove stagnant water from pool and pond; failure to remove accumulation of junk, trash and debris on residential property zoned DR 10.5 known as 3214 McShane Way, 21222.

On May 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,500.00 (two thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 21, 2010 for removal of trash and debris from this residential property, cease stagnant pool water, store garbage in cans with tight lids, unsanitary conditions, rid property of rats, cut and remove tall grass and weeds. This Citation was issued on May 6, 2010.

B. Photographs in the file show a pile of junk and debris in the side yard next to the fence. The pile contains discarded house construction materials, cardboard, old lumber and old rain gutters. Photographs also show junk and debris under the porch including an old tire. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Re-inspection on May 24, 2010 found the junk pile still in the side yard, but the porch area cleaned up.

C. Photographs in the file show an above-ground swimming pool full of stagnant water. Photographs also show a small plastic in-ground pond containing stagnant water. The stagnant water in the swimming pool and the pond must be abated. Property owners must maintain their premises in a clean, safe and sanitary condition free from infestation. Baltimore County Code Section 35-5-302. Stagnant water as observed here breeds mosquitos and other public health hazards.

D. Because compliance is the goal of code enforcement, and because some of the violations have been corrected, the civil penalty will be substantially reduced if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to correct the violations at the property owners' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 15, 2010.

IT IS FURTHER ORDERED that at any time after the date of this Order, the County may enter the property for the purpose of applying a mosquito pesticide to any areas of standing or stagnant water, at the property owner's expense.

IT IS FURTHER ORDERED that after June 15, 2010, the County may enter the property for the purpose of removing all junk, trash and debris, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 27th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer